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Security Council

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Report of the Security Council mission to the Democratic Republic of the Congo, 5–7 October 2018

I. Introduction

1. In a letter dated 23 August 2018, the President of the Security Council informed the Government of the Democratic Republic of the Congo that it had decided to send a mission to the Democratic Republic of the Congo from 5 to 7 October 2018. The terms of reference of the mission are contained in the annex to document S/2018/890. The mission was co-led by representatives of Bolivia (Plurinational State of), Equatorial Guinea and France and comprised the following members:

- Verónica Cordova Soria (Deputy Permanent Representative), Bolivia (Plurinational State of)
- Wu Haitao (Deputy Permanent Representative), China
- Gbolié Désiré Wulfran Ipo (Deputy Permanent Representative), Côte d'Ivoire
- Job Obiang Esono Mbengono (Deputy Permanent Representative), Equatorial Guinea
- Mahlet Hailu Guadey (Deputy Permanent Representative), Ethiopia
- François Delattre (Permanent Representative), France
- Kanat Tumysh (Deputy Permanent Representative), Kazakhstan
- Mansour Ayyad Alotaibi (Permanent Representative), Kuwait
- Karel Jan Gustaaf van Oosterom (Permanent Representative), Netherlands
- Francisco Tenya (Deputy Permanent Representative), Peru
- Joanna Wronecka (Permanent Representative), Poland
- Dmitry Polyanskiy (Deputy Permanent Representative), Russian Federation
- Olof Skoog (Permanent Representative), Sweden
- Stephen Hickey, United Kingdom of Great Britain and Northern Ireland
- Austin M. Smith, United States of America

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II. Visit to the Democratic Republic of the Congo

Meetings in Kinshasa

A. Meeting with the Independent National Electoral Commission

2. The President of the Independent National Electoral Commission provided an overview of the activities conducted by the Commission in the past years and confirmed that both the electoral calendar and the legal framework were in place for holding the presidential, national and provincial legislative elections on 23 December, as scheduled.

3. Council members welcomed the commitment of the Government to holding elections as scheduled and acknowledged the challenges of organizing elections in the Democratic Republic of the Congo. They stressed that the aim of their visit was to support the electoral process in full respect for the sovereignty of the country. They welcomed progress made to date and noted the decision of the Government to take full responsibility for organizing and funding the elections. They reiterated the need for a credible and inclusive process and encouraged the Independent National Electoral Commission to maintain dialogue with all parties with a view to addressing remaining contentious issues in a constructive manner. Referring to the mandate of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), Council members reiterated the Mission's availability to provide the Commission with technical and logistical support, should the Commission wish to make use of that support, and asked whether the Commission could share their technical and logistical plans to allow MONUSCO to provide appropriate support, if and where needed.

4. The President of the Independent National Electoral Commission, Mr. Nangaa, insisted on the historic nature of the forthcoming elections as, for the first time, there would be a peaceful transfer of power in the Democratic Republic of the Congo. He expressed the view that insecurity, which prevailed in some areas, would not prevent the elections from taking place on 23 December. He argued that all steps had been taken to ensure a successful conclusion of the electoral process and he recognized that two contentious issues remained, namely, the voter registry and the use of voting machines. While acknowledging that the registry was "not perfect", the President stressed that the Commission had addressed the issue of voters who had registered more than once and that the controversy over some 6 million voters registered without fingerprints should not be considered as a real problem, as both the voter cards and the voter lists included pictures of the voters. He explained that the Commission had chosen to use voting machines rather than ballot papers because the former were cost-efficient, reliable and the best option to hold presidential, national and provincial legislative elections on the same day. The President clarified that the use of voting machines could not be assimilated to an electronic vote but rather to a form of ballot printing. He confirmed that counting, which would take place in the presence of observers, would be done manually, and he underlined the critical role of national observers in lending credibility to the process. He expressed appreciation for the report on voting machines issued by the Westminster Foundation for Democracy and stated that most of the recommendations therein were already being implemented. The President welcomed technical assistance from MONUSCO and added that the Commission would not see any inconvenience in the provision of logistical assistance by the Mission. He explained that the Commission had recently requested assistance from MONUSCO with a sensitization campaign, as well as with capacity-building and the training of electoral agents stationed at the polling sites.

B. Meeting with the President of the Democratic Republic of the Congo

5. Council members met President Joseph Kabila Kabange in the presidential palace, in Kinshasa. They welcomed the progress made, in particular the decision of the President to turn a page in the history of the Democratic Republic of the Congo with a view to ensuring the first peaceful transition of power and stressed the importance of holding free, fair, credible and transparent elections for the future stability of the country. Council members also assured President Kabila of their respect for the sovereignty of the Democratic Republic of the Congo. They underscored the need to create consensus around the electoral process, the importance of international observation and the need for political space and freedom of expression.

6. President Kabila noted that, the last time that he had met the Security Council, in 2016, he had expressed the hope that, at their following encounter, they would discuss development-related issues rather than elections. He also recalled the first time that he had addressed the Council, when his country was still invaded and only a few military observers were deployed. Seventeen years later, his country was now ready to take on the responsibility to deal with armed groups and organize elections. He stated that his country had received plenty of international advice over the past years and that, given their experience since the independence, it would now be time to listen to Africa and its statesmen.

7. President Kabila underscored that elections were an internal affair. In the light of past elections in the Democratic Republic of the Congo, he expressed more concern about what happened after the elections — stability, the development of the country and the consolidation of the democratic process — than the elections themselves. He reiterated his decision to organize the elections without international support "as a matter of principle". The Democratic Republic of the Congo had received assistance from many different partners, which, rather than providing help, had created what he described as "havoc". He stated that, since the Democratic Republic of the Congo had taken this decision, the electoral process had been running smoothly and that the elections would take place on 23 December. He added that they would be free, fair and transparent, which was what the people of the Democratic Republic of the Congo deserved. Should the Democratic Republic of the Congo need any assistance, the Government would make it known. In responding to questions and comments, President Kabila mentioned that there was not much that the Government could do to address the lack of trust in the electoral process, including the use of voting machines, as people would always be afraid of technical innovation, noting that, even within the presidential majority, there were individuals who had doubts about the technology. With regard to political space, the President said that political rallies would be allowed, provided that they were peaceful. He expressed the view that the issue of freedom of expression should not be raised in a country with such a variety of media outlets as the Democratic Republic of the Congo.

C. Meeting with the Prime Minister and the Vice-Prime Minister, Minister of Interior and Security

8. The meeting was chaired by the Prime Minister and attended by the Head of the National Intelligence Agency, the Deputy Chief General of the National Police, the Diplomatic Adviser to the President, the Permanent Representative of the Democratic Republic of the Congo to the United Nations and representatives of the military intelligence service.

9. Security Council members reaffirmed their respect for the independence and sovereignty of the Democratic Republic of the Congo and underscored the historic nature of the forthcoming elections as the first peaceful transfer of power in the country. They stressed the importance of credible, transparent and peaceful elections, which would contribute to peace and stability in the country, the region and beyond. Council members insisted on the need to reach a consensus over contentious issues, such as the use of voting machines and the voter registry. They also advocated the full implementation of the 31 December 2016 political agreement, including the opening of the political space, respect for human rights, freedom of expression and the right to manifest. Council members acknowledged the various challenges faced by the Democratic Republic of the Congo and congratulated the Government on its effective response to the Ebola virus disease. They also welcomed progress made in ending the recruitment of child soldiers. Referring to the mandate of MONUSCO, Council members reiterated the availability of the Mission to provide logistical support, as appropriate. They also stressed the importance for the Mission, notably its force, to be fully equipped to implement its mandate with regard to the protection of civilians, and they called upon the Government to facilitate the entry of MONUSCO arms and ammunition into the Democratic Republic of the Congo to that effect.

10. The Government welcomed the Security Council's visit, noting that, since the deployment of the Mission, the Council had visited the Democratic Republic of the Congo almost every year. It added that the present visit was "extraordinary" in view of the forthcoming historic elections in the Democratic Republic of the Congo, which would lead to the first peaceful transfer of power. The Government underlined challenges associated with organizing elections in a country with more than 40 million voters and expressed the view that the conditions for holding free and fair elections were in place. It reiterated its decision to fully assume the holding of the elections on 23 December and the importance of the international community's support for the process. The Government sought to justify the use of voting machines to address the challenges of organizing combined elections and reaffirmed the independence of the Independent National Electoral Commission. It also underlined progress made in the implementation of the 31 December 2016 political agreement. Regarding confidence-building measures, the Government stated that political actors convicted of crimes could not be considered as political actors and dismissed the excessive emphasis placed on the notion of inclusivity as unwarranted, saying that the Democratic Republic of the Congo had a tradition of dialogue and power-sharing.

11. The Government referred to the sometimes "unhappy cooperation" with MONUSCO, reproaching the Mission for violating fundamental principles, such as the sovereignty of the host country, and for not always operating within the limits of its mandate. It regretted the alleged interference of the Mission with public demonstrations, as well as its patrols, which were not systematically coordinated with the national authorities. The Government added that MONUSCO had played an important role over the past two decades, but that time had come for the people of the Democratic Republic of the Congo to fully assume its responsibilities, including on the security front. The Government suggested reviewing the collaboration with MONUSCO in the light of emerging threats, such as terrorism in the Beni area.

D. Meeting with the presidential majority (Front commun pour le Congo)

12. Security Council members reiterated their respect for the sovereignty of the Democratic Republic of the Congo and underscored that they were not interested in the outcomes of the elections but in the credibility of the process. They insisted on the need to resolve differences through dialogue and called for the implementation of

the 31 December 2016 political agreement, including through confidence-building measures. They expressed concern that conditions for credible elections were not yet in place and asked what steps the Government intended to take to address the situation in a timely manner. They also insisted on the need to sensitize the population.

13. Members of the Front commun pour le Congo confirmed their commitment to the vision of President Kabila to safeguarding peace and stability in the Democratic Republic of the Congo. They also confirmed the commitment of the Government to implementing the 31 December 2016 political agreement and ensuring that elections were held on 23 December. They insisted that elections were the only viable path out of the current crisis but stressed that the practical modalities of the elections were the prerogative of the Independent National Electoral Commission. They agreed with the Council members that the deployment of observers in all polling stations would contribute to enhancing the credibility of the elections. The Front commun pour le Congo urged the Security Council to use its influence to impress upon those who wanted to derail the elections or plunge the country into violence the need to desist from carrying out their scheme.

E. Meetings with members of the opposition

14. The meeting with the political opposition began with a minute of silence in memory of victims in the Beni area. Council members commended the opposition's engagement in the December elections. They asked the delegates of the opposition for their assessment of whether the conditions for credible elections had been met and whether the political opposition intended to agree on a single candidate.

15. The Union pour la nation congolaise spoke on behalf of the delegation, which comprised members of the Dynamique de l'opposition, the Union pour la démocratie et le progrès social, Nouvel Élan, Ensemble pour le changement, the Mouvement de libération du Congo and Synergie électorale notre Congo. The delegates of the opposition informed the Security Council members that they were ready for the elections of 23 December. They stressed, nevertheless, that conditions for inclusive, free and transparent elections were not currently met. They underlined how persistent insecurity prevented candidates from campaigning freely throughout the country. They added that the Independent National Electoral Commission was subservient to government authorities and that several issues risked undermining the electoral process, notably the use of voting machines and the voter registry. On many occasions, they denounced the disqualification of Jean-Pierre Bemba and Adolphe Muzito as candidates and regretted the decision to prevent Moïse Katumbi from entering the country to submit his candidacy. The delegates of the opposition also questioned whether the Government had the means to fully assume the logistic and cost of the elections, and the refusal of logistical support from MONUSCO.

16. The delegates of the opposition shared a memorandum with the Council's delegation, in which they had identified a number of steps aimed at ensuring the credibility of the process, namely, abandoning the project of using voting machines; cleaning the voter registry; allowing the participation of candidates excluded from the race for political reasons; implementing the confidence-building measures outlined in the 31 December 2016 political agreement; deploying international observers; allowing the provision of international financial, material and logistical support for the election; deploying a regional force to secure the electoral process; allowing the participation of MONUSCO in the entire electoral process; and restructuring the Independent National Electoral Commission, including by replacing the delegate from the Union pour la démocratie et le progrès social. Those issues notwithstanding, the delegates confirmed that the opposition would not boycott the elections and that it would soon agree on a unique candidate with a single programme.

F. Meeting with female candidates

17. The Security Council delegation met with a group of 17 female candidates for the national and provincial legislative elections, including the only female presidential candidate.

18. The group, which comprised representatives from both opposition and presidential majority political parties and groupings, asked the Security Council and MONUSCO to work alongside the Government to reinforce the security of women during elections (candidates, voters and observers). The representatives stressed the importance of listening to female candidates, not only as candidates but also as women. They welcomed the award of the Nobel Peace Prize to Dr. Mukwege, as a defender of women. They expressed concerns about ongoing reports of sexual and gender-based violence, notably in the eastern part of the Democratic Republic of the Congo, and stressed that violence against women was not limited to physical violence, as women were consistently subject to discrimination and intimidation. They stated that women were faced with additional challenges in politics, whether with regard to campaigning in areas affected by conflict or to being given the space to participate in the political life. Highlighting the fact that only 12 per cent of candidates were women, they stressed that more remained to be done to support the participation of women in the political process.

19. Some participants also raised concerns about the credibility of the electoral process if the use of voting machines were to be pursued without a political consensus. Mirroring the political divide in the Democratic Republic of the Congo, there were at times clear divergences in views between majority and opposition candidates, notably regarding the use of voting machines. The Security Council delegation underlined the importance of the engagement of women in the political process in the Democratic Republic of the Congo and suggested that women advocate the implementation of the technical recommendations of the Westminster Foundation for Democracy regarding voting machines before the Independent National Electoral Commission. While most agreed that MONUSCO should remain in the Democratic Republic of the Congo beyond the electoral process, some regretted that its presence had not prevented a rise in insecurity in the eastern part of the country or human rights violations.

G. Meeting with the Conférence épiscopale nationale du Congo

20. Council members lauded the critical role of the Conférence épiscopale nationale du Congo (Episcopal Conference of the Democratic Republic of the Congo, CENCO) as a facilitator of dialogue. They expressed concerns about the lack of consensus and pervasive politicization of the electoral process and inquired about post-electoral scenarios. They asked CENCO whether it would be ready to play yet another facilitating role and sought advice on the role that the Council could play to contribute to confidence-building and the holding of credible elections on 23 December.

21. CENCO highlighted positive recent developments, notably the fact that President Kabila was not seeking a third term, and the overall adherence to the electoral calendar. It also welcomed the holding of a demonstration by the opposition, which had taken place without incident on 29 September. CENCO advised the Security Council to continue to advocate the confidence-building measures laid out in the 31 December 2016 political agreement, the facilitation of equal access to public media for all stakeholders and the lifting of all restrictions to the holding of peaceful demonstrations. It urged the Council to engage with the Independent National Electoral Commission to seek consensus on the use of voting machines or revert to

ballot papers, to clarify irregularities in the voter registry, including the removal of those registered without fingerprints, to invite international observers such as the African Union, the European Union, the Southern African Development Community and the Carter Center, and to cooperate closely with MONUSCO on the deployment of logistics and the transport of the electoral kits. CENCO also provided information on its activities to train and deploy some 40,000 observers, who included young people.

22. CENCO expressed concerns about continuing insecurity in Beni, Ituri, Tanganyika and Kasai compounded by the recent outbreak of Ebola, which would have an impact on the electoral process. It called for a joint MONUSCO-government plan to secure the national territory during the electoral process. While expressing concerns about the post-electoral situation, given current tensions and polarization, CENCO advised against a postponement of the elections, arguing that this would create additional challenges. It added that all must be done to ensure a peaceful transfer of power.

H. Meeting with representatives of civil society organizations

23. Council members met with a group of representatives of civil society organizations, including women rights groups, young people activist movements and human rights organizations, and asked for their views on the current political, security and humanitarian situation. Stressing the responsibility of the Government with regard to security and humanitarian matters, Council members asked how their visit could contribute to improving the current state of affairs.

24. While stressing the importance of the elections in leading to a successful transfer of power, representatives of civil society nonetheless questioned whether the elections in themselves would effectively improve the lives of the people of the Democratic Republic of the Congo. They stated that the population had little confidence in the process and limited hope in its outcome. They expressed concerns about the current polarization of positions, notably on the use of voting machines and the voter registry, which prevented the population from fully trusting the electoral process. They questioned what the Independent National Electoral Commission could do now that it had not been able to do in the past two years. Civil society organizations further warned that ill-organized elections could lead to large-scale violations of human rights and recommended that the Security Council take measures to end impunity, such as through the imposition of sanctions against political actors from both the ruling majority and the opposition. In conclusion, the civil society organizations assessed that holding elections within the current climate of mistrust and persisting divergences could exacerbate the prospect of chaotic elections. They said that Politicians in the Democratic Republic of the Congo were not ready for holding elections on 23 December and that the United Nations must step in to ensure a credible process and secure the elections.

25. Representatives of civil society organizations based in the eastern part of the Democratic Republic of the Congo denounced the continuing insecurity and expressed their frustration that the situation had not improved despite the presence of MONUSCO. They alerted Council members that young people were still being recruited by armed militias and that women continued to be sexually abused. The civil society organization based in Beni cited the ongoing massacre of the civilian population in Beni as illustrative of what they said were insufficient efforts by the United Nations. They called for the effective reinforcement of MONUSCO to protect civilians and prevent further insecurity, notably in the post-electoral period. They regretted the fact that the Intervention Brigade of the force had not met the expectation that it would neutralize armed groups effectively, and they suggested

reinforcing the MONUSCO community alert networks and for the Mission to develop joint plans with the Armed Forces of the Democratic Republic of the Congo to address the threats of armed groups and militias.

I. Briefing by the MONUSCO senior leadership and the United Nations country team

26. Throughout their visit, Council members were briefed by MONUSCO on its activities and the challenges to the implementation of its mandate, notably with regard to supporting the implementation of the 31 December 2016 political agreement and the protection of civilians. The Council members welcomed the good offices provided by the Special Representative of the Secretary-General for the Democratic Republic of the Congo to diffuse tensions and promote confidence-building among all political stakeholders. They also welcomed the Mission's strategy for the comprehensive protection of civilians and the ongoing reconfiguration of the Mission. Council members also met the United Nations country team, which highlighted the considerable humanitarian and development challenges that would likely remain in the post-electoral context. The country team expressed the view that the development assistance formulation process provided an opportunity for the United Nations to identify ways to achieve the expected results and to develop concrete proposals for joint interventions in support of the nexus among humanitarian and development interventions, recovery and peacebuilding. According to the country team, the process also provided an opportunity to reflect on the transfer of responsibilities from MONUSCO to the Government and the country team. They suggested that the MONUSCO exit strategy be considered as a reconfiguration of the presence of the United Nations rather than a transfer of tasks.

J. Press conference

27. The visit ended with a press conference, during which the co-chairs of the mission shared with the press the conclusions that the Security Council had drawn from its mission.